

PART 3533—PROTESTS, DISPUTES, AND APPEALS

Sec.

3533.000 Scope of part.

Subpart 3533.1—Protests

3533.103 Protests to the agency.

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3533.203 Applicability.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7659, Mar. 2, 1990, unless otherwise noted.

3533.000 Scope of part.

This part prescribes Commission policies and procedures for filing protests and for processing contract disputes and appeals.

Subpart 3533.1—Protests

3533.103 Protests to the agency.

(a) The cognizant Head of the Contracting Activity is the official designated to make the determination(s) required by FAR 33.103(a)(1), (2), or (3) whenever an award is contemplated notwithstanding the protest to the agency.

(c)(1) Protests to the Commission based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed with the contracting officer prior to bid opening or the closing date for receipt of initial proposals, or any extended bid opening or closing date for receipt of proposals.

(2) All other protests to the Commission shall be filed with the contracting officer not later than 10 working days after the basis of the protest is known or should have been known.

(d) The General Counsel shall review protests to the Commission as a matter of first priority, and advise the contracting officer expeditiously.

(e) The contracting officer shall decide protests to the Commission within 10 working days from receipt of a protest and promptly inform the protestor and other interested parties of that decision.

3533.104 Protests to GAO.

(a) *General.* Protests to the General Accounting Office (GAO) concerning Commission acquisitions shall be processed in accordance with FAR 33.104. The General Counsel shall prepare the report to GAO required at FAR 33.104(a)(5) and shall serve as the designated contact office for GAO. The contracting officer shall review protests to GAO as a matter of first priority, and shall advise, support, and furnish information to the General Counsel expeditiously.

Subpart 3533.2—Disputes and Appeals

3533.203 Applicability.

Pursuant to an interagency agreement between the Panama Canal Commission and the Corps of Engineers Board of Contract Appeals (ENGBCA), the ENGBCA will hear appeals from final decisions of Commission contracting officers issued pursuant to the Contract Disputes Act.